

CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION

PLANNING COMMISSION RESOLUTION NO. 2024-027-PC

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA
APPROVING A USE PERMIT FOR THE CARMEL LEGACY HOTEL, THE HISTORIC DONNA HOFASAS
HOUSE, AND ASSOCIATED ACCESSORY USES LOCATED ON SAN CARLOS STREET 2 NORTHWEST
OF 4TH AVENUE APN: 010-124-001-000 and 010-124-014-000**

WHEREAS, on March 22, 2024, Eric Miller Architects, Inc. (“Applicant”) submitted Use Permit application UP 24-060 (Hofsas House, Inc.) described herein as (“Application”) on behalf of Hofsas House, Inc. (“Owner”) for the Carmel Legacy Hotel, conversion of the historic Donna Hofsas House from a manager’s unit to two apartments, and the addition of accessory uses both within the hotel and the historic house; and

WHEREAS, the Application has been submitted for two legal lots of record totaling 36,200 square feet located on San Carlos Street 2 northwest of 4th Avenue in the Residential and Limited Commercial (RC) District (Block 34, Lots 1, 3, 5, por. of 7, por. of 8, 9, 10, por. of 11, 12, 14); and

WHEREAS, the Applicant is requesting to demolish the Hofsas House Hotel, an approximately 15,762-square-foot 38-room hotel, and construct the Carmel Legacy Hotel, a 32,466-square-foot 38-room hotel, convert the historic Donna Hofsas House from a managers unit to two apartments, and establish hotel-related accessory uses; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.14.030 (Land Use Regulations), Hotels and Motels in the RC District require a conditional use permit; and

WHEREAS, on March 29, 2024, a notice of the public hearing scheduled for April 10, 2024, was published in the Carmel Pine Cone in compliance with State law (California Government Code 65091) and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before March 31, 2024, the Applicant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on or before April 5, 2024, the meeting agenda was posted in three locations in compliance with State law indicating the date and time of the public hearing; and

WHEREAS, on April 10, 2024, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the Use Permit, including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the project; and

Resolution No. 2024-027-PC

Page 2 of 6

WHEREAS, the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”), together with State Guidelines (14 California Code Regulations §§ 15000, *et seq.*, the “CEQA Guidelines”) and City Environmental Regulations (CMC 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the Planning Commission found that pursuant to CEQA regulations, the Application is categorically exempt under Section 15332 (Class 32) – Infill Development Projects, and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines; and

WHEREAS, this Resolution and its findings are made based upon the evidence presented to the Commission at the hearing date, including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the Planning Commission did hear and consider all said reports, attachments, recommendations, and testimony herein above set forth and used their independent judgment to evaluate the project; and

WHEREAS, the facts set forth in the recitals are true and correct and are incorporated herein by reference.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the Use Permit:

FINDINGS REQUIRED FOR USE PERMIT APPROVAL (CMC 17.64.010 & 17.64.020)		
For each of the required findings listed below, the staff has indicated whether the application, either as proposed or with conditions, supports adopting the findings. For all findings checked "no," the staff report discusses the issues to facilitate the Planning Commission's decision-making. Findings checked "yes," depending on the issues, may or may not be discussed in the report.		
Municipal Code Findings: CMC 17.64.010	YES	NO
1. That the proposed use will not be in conflict with the City’s General Plan.	✓	
2. That the proposed use will comply with all zoning standards applicable to the use and zoning district.	✓	
3. That granting the use permit will not set a precedent for the approval of similar uses whose incremental effect will be detrimental to the City, or will be in conflict with the General Plan.	✓	
4. That the proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.	✓	
5. That the proposed use will not be injurious to public health, safety or welfare.	✓	
6. That the proposed use will be compatible with surrounding land uses and will not conflict with the purpose established for the district within which it will be located.	✓	

7. That the proposed use will not generate adverse impacts affecting health, safety, or welfare of neighboring properties or uses.	✓	
Municipal Code Findings: CMC 17.64.020	YES	NO
A. That allowing the proposed use will not conflict with the City’s goal of achieving and maintaining a balanced mix of uses that serve the needs of both local and nonlocal populations.	✓	
B. That proposed use will provide adequate ingress and egress to and from the proposed location.	✓	
C. That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.	✓	
Municipal Code Findings: CMC 17.64.120	YES	NO
A. That the motel or hotel was in existence and lawfully established prior to April 1988 and has remained in operation since that time. That the proposed use will not increase the number of lodging units in existence as of that date.	✓	
B. That the proposed use will be operated as a commercial business offering transient lodging for guests and visitors. That the use will maintain living quarters occupied by a full-time manager on-site, if such occupancy was previously established as part of the use.	✓	
C. That the minimum number of units on the site is five. That, except for the manager’s unit, no units shall contain kitchens or similar facilities for cooking food.	✓	
D. That, when reconstruction is involved, a site plan has been approved through the design review process that maximizes usable open space, minimizes unrelieved expanses of pavement devoted to parking and conforms in all respects to the commercial design requirements in Chapter 17.14 CMC, Commercial Zoning Districts.	✓	
E. That the use meets all parking requirements for all uses on the site established by Chapter 17.38 CMC, Off-Street Parking Requirements.	✓	
F. That incidental service uses provided by the motel, that are not otherwise allowed within the land use district, will be limited to use by motel occupants only and will not be made available to the general public.	✓	

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby approve the Use Permit application UP 24-060 (Hofsas House, Inc) for the demolition of the 38-room Hofsas House Hotel and construction of the 38-room Carmel Legacy Hotel, conversion of the historic Donna Hofsas House from a manager’s unit to hotel rooms, and the addition of accessory uses both within the hotel and the historic house located on San Carlos Street 2 northwest of 4th Avenue (Block 34, Lots 1, 3, 5, por. of 7, por. of 8, 9, 10, por. of 11, 12, 14, APN 010-124-001 and 010-124-014) subject to the Conditions of Approval below:

CONDITIONS OF APPROVAL		
No.	Standard Conditions	
1.	Authorization. Approval of Use Permit application UP 24-060 (Hofsas House, Inc) authorizes a 38-room hotel, two apartments, and associated hotel accessory uses	✓

	located on San Carlos Street 2 northwest of 4 th Avenue, in the Residential & Limited Commercial (RC) District as depicted in the application, plans and associated documents prepared by Eric Miller Architects approved by the Planning Commission on April 10, 2024, stamped approved and on file in the Community Planning & Building Department, unless modified by the conditions of approval contained herein.	
2.	Codes and Ordinances. The project shall conform to all Residential & Limited Commercial (RC) District requirements. All adopted building and fire codes shall be adhered to when preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested when such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.	✓
3.	Water Use. Approval of this application does not permit an increase in water use on the project site without adequate supply. Should the Monterey Peninsula Water Management District determine that adequate water is not available for this site, this permit will be scheduled for reconsideration, and appropriate findings prepared for review and adoption by the Planning Commission.	✓
4.	Modifications. The applicant shall submit in writing, with revised plans, to the Community Planning and Building staff any proposed changes to the approved project plans prior to incorporating those changes. If the applicant changes the project without first obtaining City approval, the applicant will be required to submit the change in writing, with revised plans, within 2 weeks of the City being notified. A cease work order may be issued any time at the discretion of the Director of Community Planning and Building until: a) either the Planning Commission or Staff has approved the change, or b) the property owner has eliminated the change and submitted the proposed change in writing, with revised plans, for review. The project will be reviewed for its compliance to the approved plans prior to final inspection.	✓
5.	Indemnification. The applicant agrees, at his or her sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.	✓
6.	Conditions of Approval. All conditions of approval for the Planning permit(s) shall be printed on a full-size sheet and included with the construction plan set submitted to the Building Safety Division.	✓
SPECIAL CONDITIONS		

7.	<p>Permit Validity. In accordance with CMC Section 17.52.170.B (General Limits), the Planning Commission extends the time limit on the commercial use permit from 6 months to 18 months to run concurrently with the associated commercial Design Review application. In accordance with CMC 17.52.170.C (Time Extensions), the Planning Commission may grant one 18-month extension of the commercial use permit if the conditions surrounding the original approval have not changed, and the General Plan, Municipal Code, or Local Coastal Program has not been amended in a manner which causes the approval to be inconsistent with these plans or codes.</p>	✓
8.	<p>Hotel Operations. In accordance with CMC 17.14.040.M (Hotels and Motels), hotels and motels may include minor accessory uses such as light meals and refreshments for guests only, with or without separate remuneration. If such accessory uses are available to the general public, they must be allowed uses within the underlying land use district and must meet all design, parking, and land use regulations established for the use.</p>	✓
9.	<p>Hotel Accessory Uses. The following hotel accessory uses are approved for use by hotel guests only as part of this commercial business use permit:</p> <p>Restaurant/Dining Room:</p> <ul style="list-style-type: none"> • Up to 50 seats for guests and their family/friends • Hours of Operation: 7 am to 10 pm daily <p>Café/Bakery:</p> <ul style="list-style-type: none"> • 300 square feet (approximately) • Hours of Operation: 7 am to 5 pm daily <p>Gym/Fitness Center:</p> <ul style="list-style-type: none"> • 500 square feet (approximately) • Hours of Operation: 6 am to 9 pm daily <p>Business Center:</p> <ul style="list-style-type: none"> • 350 square feet (approximately) <p>Spa & Salon:</p> <ul style="list-style-type: none"> • 700 square feet (approximately) • Hours of Operation: By appointment <p>Amendments: The Community Planning and Building Director shall have the authority to approve minor modifications to the accessory uses. Any modification that, in the opinion of the Director, has the potential to negatively impact surrounding uses shall be referred to the Planning Commission for review.</p>	✓
10.	<p>Apartments. Two apartments are permitted and shall contain complete living, sleeping, and bathing facilities.</p>	

11.	Hotel Room Kitchens. In accordance with the findings for approval (CMC 17.64.120), except for the manager’s unit, no hotel units shall contain kitchens or similar facilities for cooking food. CMC 17.70 defines a kitchen as, <i>Any room or any part of a room designed, built, equipped, used, or intended to be used for the preparation of food and dishwashing, whether or not said room contains a cookstove or any other cooking appliance. A dining room, alcove, or similar room adjacent to or connected with a kitchen in which toasters, grills, percolators, and similar appliances are used shall not be deemed a kitchen.</i>	✓
12.	Parking. The hotel shall provide on-site parking equal to 1 parking space per rental unit, including any manager's unit, plus 1.5 spaces per permanent residential use (apartment) for a total of 41 on-site parking spaces. No additional parking shall be required for accessory hotel uses that are limited to hotel guests.	✓

Acknowledgment and acceptance of conditions of approval.

DocuSigned by:

 9505E1DE51E4467...

 Property Owner Signature

CARRIE Theis

 Printed Name

4/15/2024

 Date

DocuSigned by:

 7ED16C3AF436423...

 Applicant Signature

Eric Miller

 Printed Name

4/13/2024

 Date

PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 10th day of April 2024, by the following vote:

AYES: ALLEN, DELVES, KARAPETKOV, LEPAGE

NOES:

ABSENT:

ABSTAIN: LOCKE

APPROVED:

ATTEST:

DocuSigned by:

 4FF97D7E0A3D499...

 Michael LePage
 Chair

DocuSigned by:

 2960DA9BEC1C495...

 Leah Young
 Planning Commission Secretary